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Moral standards: underpinning or (re)constructing social order?

The case of fraud in a French collective transportation service.

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Abstract: The paper advances a certain view on the relationship between moral standards and social order. Referring to the case of fraud in bus public transportation systems, it first reviews research works attending the issue (of fraud and more generally of deviance) with a moral insight. The review reveals major similarities between works from different fields, in the way they look at moral standards and social order together. It is then suggested another view, where moral standards are not necessarily a matrix for a stable social order, but rather tools for a social regulation. This thesis' utility is illustrated by the analyse of a control and reporting interaction. Starting from this interactional and instrumental questioning of moral standards, the conclusion opens up the reflection to the “meso” scale of social order and suggests an organizational study of the making of social order through moral standards.

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Introduction

In France, public transportation is actually a controversial topic for public debate. On the one hand, it appears more and more to become what should be considered, according to a growing number of citizens, as a fundamental individual right. On the other hand, public transportation systems face strong difficulties to organize the correct “functioning” of service: as a *public* service (in the broad understanding of the qualification), they witness the resistance of a “public” (even renamed as a “client”), especially with payment.

This seems to be a good way to introduce fraud as a matter for public transporters. Fraud then takes place in the reflexion of this network on moral standards and actually raises as a social order issue (not only a matter of money – even if it is indeed for transporters). It is problematic for the daily and effective functioning of public transportation (the achievement of a successful co-production of the service). In the following lines, I will not try to be exhaustive as for what the “management of fraud” does. On the contrary, I will focus on a specific activity among these related (rather than dedicated) to fraud, which is likely to be very fruitful to think about moral standards.

By a transporter, there are actually a great number of activities that care more or less about fraud: marketing, communication, tickets and fare design, prevention... I would however rather try to shift the reader’s attention *beyond* these activities related to fraud, that is, to the control work. The reason for this step forward makes me come to the point of the paper. It is to adopt another perspective on deviant acts such as fraud. The perspective I would like to endorse is not backwards and explicative, as it is often the case for such acts; rather, it tries to follow and describe the regulation from the constituted deviant act. Control work, from this point of view, can show how restricted the explicative and backwards look is.

The opposing perspectives can be shown up at two levels. A “science” level, which deals with the understanding of social disorder, of deviance (in particular fraud); a “field” level, whose purpose is the effective reducing of fraud. I will begin with a review of the former and try to highlight what could be seen as a narrow understanding of the role of moral standards, regarding fraud. I will try to point out the fact that this theoretical approaches only advance a limited understanding of fraud or deviance in general. Rather, they appeal for a broadening of the conception of moral standards as well as social order.

From this broadening of the perspective, I will turn to the latter level and use my field experience as a controller to contrast perspectives on fraud, regarding moral standards and

social order. The analysis of a control interaction will illustrate that moral standards can be considered in another way. They may be more relevant and useful as *tools* for a *regulation* of social order, that takes place from the reporting. I will finally conclude by opening to the debate some questions about the “good” scale to look at the advanced relation between moral standards and social order, and putting on the scene a “meso” scale of social order that could account for the design of moral tools and their use regarding the social regulation.

1/ The explication of fraud by morality

When discussing fraud, it is rather frequent to hear speeches that put the emphasis on a lack of morality of evaders. From educated or uneducated people, inside or outside the firm, it is often said about evaders something like: “those people have no respect, no moral standards.” It is worth noticing such commentaries apply more usually to migrant or young populations (respectively from native or older people), which can either be considered as “different” (that is: not sharing the same moral standards).

These daily words are surprising, at first, because it is very easy to “discover” that fraud refers to many things, *among which* moral standards stand. One could try to put these speeches aside by considering them as a spontaneous understanding of the fraud phenomenon; rejecting the implicit conceptualization of daily interactions, one could then consequently turn to the existing scientific work on fraud. But except the characteristic extrapolation of the importance of moral standards, no decisive difference can be found between scientific and “street-level” speeches. Rather, I found that many scientific works are based on a similar perspective on fraud (or more generally deviance) and its relation to morality.

I will try to sketch this perspective by referring to different researches. The criterion of choice of these works from different fields is their connection to the issue of fraud (their approach of fraud must try to connect this social disorder¹ to moral standards). I will confront them and show that despite their paradigmatic differences, their homogeneity is to be found in the way they articulate social (dis)order and moral standards: the articulation they promote places moral standards as a way to prevent social rules breaking.

Then I will widen the object of review by referring to the sociology of deviance, which interests more for deviance and social order in general. I will shed the light on the view it

¹ I have considered fraud in general. The focus on the matter of fraud in bus transportation systems especially would have restricted the amount of available work.

seems to be characteristic of, as a scientific field. I finally will discuss this characteristic view and introduce the major issues it avoids or let unquestioned.

A perspective broadly used to explain social (dis)order

Economics

One aim of economics is to design explicative models of resources and products allocation. Some work has been done in experimental economics, about the underground economy (that is a specific tax evasion). I refer here especially to Nadia Joubert's research at the GATE.² In her individual and collaborative work³, she tries to build a model to explain evasive behaviors.

She asserts that since its emergence in the seventies, the economic fraud theory has not taken into account the "disutility" caused by the entrance into the underground economic system. According to her, the other authors argued a perfect substitutability between underground and regular work hours. On the contrary, she sees reasons to assume underground work brings people some disutility. She proposes then to add a "psychological cost" to the model of participation. The psychological cost results of the existence of a "stigmata", which expresses the "opprobrium heaped on fraud dissimulation".

We can see in this stream of economic research that, even if the term "moral standards" is not used, it is referred to something equivalent, which is described as a consensus over a certain way to behave. To not respect this consensus has a psychological cost that works as a barrier between official and underground work. The perspective of experimental economics on fraud clearly chooses to look backwards. What is important always lies before the rule breaking, and the correct understanding of fraud is to be found by isolating some causes. Here, one cause of the rule breaking that one could deduce from the model is the inadequate level of public "opprobrium". For each individual, it is considered that, under a specific level of opprobrium (or psychological cost) and all other things being isolated, the individual will choose to enter the underground economy.⁴

² Group of Economic Analysis and Theory, CNRS.

³ I refer here to her working papers at the GATE: e.g. "*Is undeclared activity really affected by tax system? A micro-econometric analysis on individual Canadian data*" (Joubert, 2001), & "*Taxation, neighbourhood effects and labour supply in the underground economy*" (Fortin, Joubert & alii, 2002).

⁴ The point is not to criticize some economic models that are far more complicated than the image I have drawn of them. One could obviously claim for a deeper attention to such or such variable; but these models enrich progressively from each other, and the work of Nadia Joubert alone clearly shows a will to make the understanding progress step by step. But the focus on an economic model enables me to picture a way to make connections between moral standards and fraud.

Management sciences

When they try to deal with the difficult issue of fraud, management sciences are generally concerned with technology, opportunity or structuring features. For instance, in the Financial Analysts Journal you can read a survey that underlines the tie between the composition of the board (origin, independence of the members...) and the occurrence of corporate fraud (Uzun, Szewczik & alii, 2004). It is possible, too, to find work on the interaction between auditors and managers, through a game theoretical approach (Matsumura and Tucker, 1992); or, as well, a research on the difference in the costs and benefits that could account for the differences in fraud committing (Gerety and Lehn, 1997). The role of available information for the detection of fraud is also often claimed (Morton, 1993).

My purpose is not to draw the list of existing work on fraud. I would like to suggest that directly operational matters or techniques to reduce fraud are often chosen in priority. Authors that look forward to connect moral standards and fraud are not many. It is possible however to find some. "Accounting education" (Titar, Braun & alii, 2004) may be exemplar of the way to care about moral standards that probably participates in a broader movement. For maybe a decade now, the world of business (scientists as well as executives and teachers) has been focusing on the importance of ethics, and then on the opportunity to promote moral standards in order to impulse fair behaviors (Chapman, 1998).

"Accounting education" precisely insists on the importance of values, to avoid making of accounting only a technical matter. The authors suggest the role moral standards can play in influencing behaviors, especially by students who have no insight on the consequences of their decisions. Here again, we meet a backwards perspective, since the authors propose to use moral standards before the fraud committing, to try to prevent it.

Sociology

Transporters have done a lot of work to understand the reason(s) of fraud. Sometimes they have hired sociologists to analyze, describe and comment the fraud they could observe.⁵ But most of the surveys do not take the moral aspect into account – or at least, do not focus on it. One rare example I could find is Sébastien Roché (Roché, 2003), who works on the general category of "incivilities". He has tried to give transporters a few clues about youth's fraud, putting on the scene the question of morality. His purpose was to introduce moral standards as

⁵ For my previous survey, I was mandated for a sociological work, to describe fraud and people committing fraud on a specific transportation network.

a way to explain fraud generalization in this age category: “to attack somebody goes against moral principles; so does not fraud.” It is easy to see how close to the economics’ and management sciences’ vision S. Roché is. It is not a question of scientific methods or product; but they let moral standards⁶ intervene as something that resists the breaking of the rule, and then can prevent it. As well, he is close to the management researches I have sketched, since he places moral standards as a way to influence behaviors.

Sociology of deviance

It seems interesting at this point of the review to enlarge the scale, since sociology has maybe more worked on the general category of deviance than on the specific case of fraud (though it is in itself already very large). The sociology of deviance actually offers a disciplined and specialized frame to understand the breaking of a rule, which cannot be found in economics or management sciences. A general overview of the study of deviance enables to point out the crystallization of this type of perspective, and gives a stronger base to my up-to-now selective insights.

My purpose is not to focus on details, but to try to shortlist the major theories of deviance that endorse what I have called the “backwards” perspective. In his synthesizing book *The sociology of deviance*, Albert Ogien distinguishes two main streams of theorization of deviance: the causal and the comprehensive one (Ogien, 2002)⁷. The first one tries to explain deviance by factors that determine (or at least increase the probability of) deviant behaviors; moral standards are one of them. The authors that propose causal theories analyze moral standards as a constraint for individuals, which determine the committing of a deviant act. The absence or presence of moral standards can be situated either “in” the individuals (the criminological tradition⁸ looking for a specific kind of individuals with a higher propensity for crime) or in society (a social organization favorites or not the strength of moral constraining⁹; social inequalities prevent individuals from social integration and then from adhesion to moral standards (Blau, 1982)*).

⁶ However they call it. Even if I am conscious that the distinction between the terms is of importance and deserves anyway to be discussed, I take for granted that “opprobrium” and “moral principles” refer to the same kind of object that our network has chosen to call “moral standards”.

⁷ From now on, my quotations of authors in sociology of deviance will be extracted from Ogien’s book. I will indicate by a star (*) the fact that I write about an author using Ogien’s work.

⁸ Sociology of deviance and criminology are not the same disciplines, but they have influenced each other since their emergence.

⁹ The question of constraining is a matter of performativity of an abstract concept. For Braithwaite, a solution could be to restore corrective procedures based on a *positive shaming* (Braithwaite, 1989)*.

As for comprehensive theories, they view more than one possible set of moral standards. The continuous evolution and transformation of society (Thomas, 1966)*, the differential learning and interpretation of rules - among which moral standards (Sutherland's theory of "differential association", Sutherland and Cressey, 1966)*¹⁰, the existence of "subcultures" with specific values (Cohen, 1955)*: they all offer a representation of deviance where several moral standards compete (or at least have to co-exist). But they still consider that moral standards determine individual behaviors following their social group "membership".

Issues of the backwards perspective

As this short review shows, many research works look backwards. In economics, management sciences or sociology, authors trying to find a relationship between moral standards and fraud (e.g. deviant acts) mainly care about the fraud committing (e.g. the rule breaking). They see moral standards as a matrix for social order, according to which individuals decide of their acts, and whose absence (by the individual or in society) makes fraud easier (or costless for economics). They hardly take anything into account aside from the breaking of the rule and its explanation.

Such a perspective implies some difficult questions about morality and social order. It seems important to come back on its implicit conceptions of morality and social order. The point is not to answer questions that go far beyond my abilities, but to make clear that several conceptions can exist. Without deciding once for all in favor of such or such conception, I would like to contrast the perspective on fraud that I described and reviewed with another view on the relationship between moral standards and social order.

Morality

Even if the conception of morality that emerges from this review is not completely homogeneous, it gives moral standards a transcendental status insofar as it deals with values that exist on their own (sometimes in competition with other values) and determine individual behaviors.¹¹ It also seems however possible to give morality a *pragmatic* status: moral standards would be what they are done. Sykes and Matza (Sykes and Matza, 1957)* advance

¹⁰ One question raised by the theory is that of the uniqueness of a set of moral standards. I would argue that learning and interpretation transform a rule or a referential value. Here, we do not face one set of values, but several ones.

¹¹ I may counterbalance this assertion by underlying that comprehensive theories already nuance the transcendental status, since they introduce the problematic of learning vis-à-vis values and moral standards.

in the direction by underlying the active positioning and the rationalizing of delinquents. Their “techniques of neutralization” seem, in my opinion, to open an instrumental perspective on moral standards. This perspective mechanically entails a questioning about the construction of moral standards. But how interesting this question may ever be, it appears to be too difficult to answer now, and it seems more reasonable to remain on the instrumental perspective: wherever moral standards come from, whatever their origin and validity be, they can be used and manipulated.

Social (dis)order

The works described also have in common the way they do interest in social order or disorder. They let think that social disorder and social order can not be thought together. I can suggest that this is explained by their very focus on the rule breaking. If the rule breaking is first, then social order was already assumed, even implicitly, and the rule breaking is the sign of the disorder.

Jean-Daniel Reynaud (Reynaud, 1993) develops a theory on regulation which places rules (laws as well as moral standards) as the central social fact. He insists too that regulation is a social stake, which makes its approach interesting to me. Actually, using Reynaud’s regulation theory enables to adopt another perspective on fraud and to make a step further (beyond the committing). The point is not anymore only the breaking of the rule (as a climax after which nothing more looks interesting), but the regulation, the agreement on another rule.¹²

These two movements regarding moral standards and social order are of importance for the understanding of fraud. My thesis is that the relationship between moral standards and fraud is not only that described before, that often prevails in daily as well as in scientific understandings of the phenomenon. The backwards perspective is not the only possible, and maybe not the more pertinent. It actually is likely to lead to difficult questions such as the origin of these moral standards, the reason for their transcendence or their performativity, and so on. Another way to look at moral standards and social order could be to analyze how they can be used, in regulation intent.

In the following example I will illustrate and develop these views by introducing moral standards as tools for a micro-regulation.

¹² The major point in Reynaud’s approach of social order, according to me, is his dynamic understanding of social order. Using the term “regulation”, I will especially insist on the dynamic approach of social order.

2/ A specific way to look at fraud and moral standards together: the case of bus control work

Bus control work is a good example of the utility of a perspective shifting

My research subject deals with fraud management by public bus transportation systems. I have had the opportunity to do much field observation, in various circumstances. I should say this was a double opportunity. First, because it gave me an access to speeches on fraud, which I already have referred to. But most of all, it was for me the occasion to observe and understand the specific relation between controllers and fare evaders. This relationship is particularly well-fit to put on the scene social order and moral standards.

The micro-sociological look seems to be very helpful to put a shed on the regulation work that takes place by the occasion of reporting. This reporting task is actually very often considered as a basic task: it would consist in establishing a fine. Obviously, it would be a little bit complicated sometimes, because it requires collecting personal data and a signature – which could be very difficult if the fare evaders would not cooperate. But that would not change anything about the fact that reporting is only a matter of proceedings...

Much work has been done about service relationship since the funding book by Goffman. All these researches have contributed to show at least the very complexity of service relationship.¹³ I assume that reporting should be considered as well as a complex set of tasks, since it involves too relational (at least interactional) aspects. For this reason it would be well adapted to use a micro-sociological approach, which has proved to be convenient for the observation of public interactions (Goffman, 1973).

Proceedings are not enough to account for what really matters about control and reporting. Social order is obviously at stake (clients' behaviors do they fit with the rules of the transportation system?). But the point is not only to establish a rule breaking (it would then be proceedings); it is also to find an agreement about social order (social order can also be seen in the agreement of the evader: a/ to be categorized as an "evader"; b/ to receive a fine). Social order refers to multiple points of views, because it refers to multiple rules. Opposing disorder to order (as soon as one rule has been broken) hides the respect of and the negotiated agreement on other rules.

¹³ I refer here especially to Jeannot and Joseph (dir.) (1998).

Micro-sociology leads to a second shift. It is based on the role moral standards can play in the research of an agreement about social order, as I have just sketched it. Endorsing a micro-sociological approach entails a reflection about the “how” of the relation. Then moral standards can receive a new status: the tool status.

The data collected

I have collected data by my stay at a transportation network. I was expected to do a typology of evasion and evaders on the network; which gave me the opportunity to observe and interact much with controllers and evaders (separately or together).

The data I have collected are of several types. I have: a/ interviewed evaders (6 interviews of one hour each); b/ directly observed control work (2 weeks); c/ participated in control work (3 months). Interviews were written down, and I mention them because they sometimes explicitly refer to the encounter between controllers and evaders. From the observation work I wrote a day-to-day journal. It was very difficult to record interactions, given the conflict situations I attended.¹⁴

The use of my data is twice. On the one hand, interviews introduce the evader-side of the interaction, whereas on the other hand, my long-term field observations (mainly participative) enable me to understand the controller’s point of view. I will however mainly focus, as for moral standards, on the latter. My purpose is actually to point out the tool status of moral standards in a control encounter. It is based on my data, and they let me tell only which relationship a controller *can* make between moral standards and social order.¹⁵ Interviews will however be referred to: they can give clues about the way evaders can perceive the use of moral standards by controllers.¹⁶

At last, results from my direct observations have enabled me to sketch the frame of a control encounter and the usual course of this type of interaction. I do not view this frame as valid

¹⁴ Fraud is a disturbing subject, and I had to be cautious in the production of data. Even for interviews I sometimes witnessed refusals (even due to my tape recording).

¹⁵ The interaction I will analyze seems however to be significant from this point of view: it is obvious that the controller tries to convince the evader by referring to moral standards. I hope that, despite the bad quality of recording, the example will clearly illustrate the point of my argument.

¹⁶ One methodological issue I had about the tool status of moral standards is to find a criterion to distinguish between “believers” and “non-believers”. I had no means to be sure of the conviction of an evader or of a controller when he refers to a moral standard. I only can say that I have used moral standards several times as tools, and not in order to express my intimate conviction. I then suppose that other controllers as well as evaders can do the same. As I have said before, my purpose is not to bring discredit on the transcendental dimension of moral standards (which I am not able to do), but to suggest another perspective.

outside the Parisian suburb; but by the two transporters I have observed, the situations of control were comparable.

The use of moral standards by control work

What controlling means

A control encounter, as it generally takes place¹⁷, can be described as follows. A controller team (at least four) enters a bus to control its passengers.¹⁸ Controllers then check passengers' tickets - which means they establish a first contact with passengers by looking at their tickets. At this time, the great majorities of encounters are characterized by their physical dimension: controllers especially deal with flows of people, and when a situation is regular, the communication can be very brief.¹⁹

As soon as they have traced a border between regular and irregular situations, controllers focus on the latter. The encounters then progress very differently. The purpose is actually very different from the checking. Controllers' aim is now to settle a relationship that guarantees a correct progress to reporting. In some cases, however, the outcome of the encounter is not a fine. Generally, according to my own observations and experience, controllers can appreciate the relevance of reporting on their own. For instance, homeless people are hardly reported, because controllers know it is useless. Elder people too are "forgiven", as controllers say, because of their age and although their situation is as much irregular as that of other people.²⁰ I will develop specific aspects of the interaction later. I would like now to insist on the instrumental dimension of the relationship for a controller (and probably for evaders). The relationship has one cause (a rule breaking) and one purpose (solve the rule breaking). The legal planned solution for fare evasion is the payment by the evader of a fine (which is supposed to compensate the transporter for the prejudice). But the tie between evasion and compensation is not as mechanical as it could seem. There is no *a priori* reason for an evader

¹⁷ By « generally », I mean a strong similarity among different transportation systems. The similarities are: legal frame and tacit rules (among which moral ones); physical frame of the transportation system (public space, station, bus design...), payment (fare and tickets design).

¹⁸ There are two main ways to control a bus: 1/ controllers can enclose it as it stops, control walking out people, then enter the bus and control the other people; 2/ or they can walk in the bus at a bus stop, and control people in the bus as it goes. The difference is the degree of closure of the bus they allow, which determine to a great extent the kind of ambiance they settle in the bus and the relationships they will have with passengers.

¹⁹ With the great majority of passengers, the interaction can be sum up in a few words that announce the control ("Ladies and gentlemen, we are going to check the tickets, thank you for showing your tickets") and ensure a minimum civility for the encounters ("Thank you" "Have a good day"...).

²⁰ We can notice the work of Michael Lipsky on street-level bureaucracy precisely accounts for this kind of decisions (Lipsky, 1983) that adapt bureaucratic rules.

(that did not accept the payment rule) to accept the principle of a fine (whatever you call it: compensation or punishment...).

However, controllers are supposed to report. And even if they can sometimes decide not to do it, they have to account for their work. And the common traditional indicator for control work is the number of fines.²¹ This aspect of controllers' work is very important because it explains the instrumental dimension of the relationship that settles by the control encounter. It entails another look at the interaction (a strategic one)²² and raises the question of the tools at disposal for controllers to manage the relationship.

The coercive means to manage the interaction

Control is often seen as a repressive occupation. Such a view is at least partly true. The mission of reporting is anyway rather repressive... The question then is: to achieve a repressive aim, do controllers use repressive tools? A first answer is yes. Controllers actually receive a public delegation of authority, which gives them the legal right to write down the identity references of any evader.

In the case when it is not enough, that is, when evaders do not admit controllers' authority, laws authorize controllers to decide to ask a police officer to come. The powers of police officers being broader, they are able to enforce the controllers' action. Laws so have planned coercive proceedings to manage the interaction and help controllers to succeed in sanctioning evaders.

But field observation shows that the coordination between policemen and controllers is difficult: policemen do not always come directly, because they often have other priorities. Moreover, a controller quickly learns that the "police" tool is not a means to use too frequently... Police intervention actually takes much time and often goes against the intent of a transportation system: it produces immobility!

For these two main reasons, the coercive tools controllers have at their disposal are not that efficient to produce the results they expect. In most of the cases the relationship by control encounters does not work automatically. Controllers have then to turn to other tools, which give them the ability to manage the interaction and make the evader accept the fine.

Communication and the definition of the situation

²¹ Sometimes, controllers are also expected to have a good fine "quality", which means that effective payment is taken into account, be it in situation or later (post-check for instance...).

²² The strategic dimension is all the more present since evaders too can have a strategic attitude, in order to escape the fine. Such a dimension is by the way part of a dramaturgical approach.

Communication is not a tool for the management of the interaction, but it is a necessary condition of its possibility. Controllers and evaders need a common code to communicate. I will not develop the basic aspects of communication²³; I will rather have interest for the “definition of the situation” (Goffman, 1973). The definition of the situation raises a very simple question. This concept comes from Goffman’s dramaturgic sociology, and develops the idea that a successful interaction needs a common definition of the situation.²⁴

In my field experience, I can find lots of interactions when effective communication was impossible, because of a fundamentally opposite definition of the situation. A precise definition of fraud exists by the legal texts, but it appears not to be known²⁵. In fact, legal texts are hardly used in the interactions. Instead of the legal definition, a moral definition is often used, be it implicitly or explicitly. The moral definition of the situation can suggest the breaking of a moral rule by the controllers, which makes their action illegitimate. For instance, as a controller I was once shouted at by someone who believed I was reporting on an elder woman: “*Don’t you shame reporting on this elder woman?!*”²⁶

On the other hand, the definition of the situation can point out the breaking of the rule by evaders, who have then to be punished. People sometimes spontaneously propose such a moral definition of their behavior. I can refer to the case of an elder woman who *wanted* to pay a fine, in order to remain coherent with her schoolteacher experience: “*I have taught children for years that it is not good: Then I mustn’t do it either.*” People interviewed too, often spontaneously define fraud as bad, even if they have committed it.²⁷ They did generally not refuse the fine legitimacy (even if they sometimes questioned the utility of such a system: “*I got a fine, well that means I did not buy a ticket... If I did not buy a ticket, that’s because I do not have the money to buy it... Then I won’t have more money to pay the fine...*”).

A moral definition of the situation is not frequently spontaneous. Sometimes, a controller can try to introduce such a definition. Such a tactical operation requires a great subtlety and cautiousness. Controllers generally avoid doing it. The aim of such an operation actually is to influence the definition of the situation and let the evader agree on a moral definition of the

²³ I consider questions of language, social proximity of interlocutors and so on, as irrelevant in the paper. But they are of course important issues for transporters.

²⁴ An efficient illustration of the assertion can be found on the scene. Comedies as a theatrical genre give us plenty of misunderstanding, especially mistaken identity...

²⁵ Which goes against a French adage, claiming that “nobody should ignore law”...

²⁶ In fact, the woman had come to pay her son’s fine...

²⁷ « Spontaneously » has to take into account my labelling as representative for the institution. Their moral definition of the situation appeared sometimes very conventional, in the sense it did not have an impact on their decision. So spoke one of them: “*Well it is not bad, but I did not have my tickets [on me] ... I say ... Well, I don’t mind!*”

situation. But the danger of it is to suggest an unacceptable presentation of the evader²⁸, on which the interaction could focus. It could then provoke a conflict and make disappear any possibility of a successful relationship. We arrive here at the point where social order is precisely problematic: is a violent conflict a solution, is it a sign of social order? I think it is not. Would it be the case, transporters would call it an expensive social order.²⁹

A point must be developed. What I call a moral definition of the situation can be very indirect. Morally defining the situation not necessary requires saying: “*you are immoral*”, or: “*your behavior is not moral*”: that would be a rude use of the moral standards, with the flaws I have just underlined. What I call a moral definition of the situation can be surreptitiously evoked by the controller. A frequently used technique of controllers is not to focus directly on the rule breaking, but rather on the definition of the situation of transport: what does it mean to be transported? From what can it be brought closer?³⁰

The legitimacy of the outcome

If a satisfying definition of the situation has been found (has been adopted by both interlocutors), then remains the question of the outcome of the control encounter. I have said controllers usually are expected to produce fines of “quality”. Such an outcome requires to have defined correctly the situation (with the help of moral standards). I mean by “correctly”, that the evader then agrees to cooperate and eventually to pay his fine. We return then to the border question: how do these moral standards work? Where does their performativity come from?³¹

It is interesting to figure out that different outcomes are often witnessed. The evaluation of controllers is very often made from the number of reports they wrote. It is then mechanical to think of moral standards as tools to enable the reporting. But my observations showed me that the use of moral tools could be linked to another aim of the controllers’ action. As I suggested

²⁸ One of the results of the interviews was precisely related to the “figure” of the fare evader. It appeared this figure was part of a network of figure which worked as “social spectres”, and from which interviewed evaders tried to distinguish themselves. These words are eloquent: “*No I don’t feel like an evader... an evader... Well an evader! There are plenty of worse evaders than I! Sincerely... Oh my god! Maybe they are not reported... and they are not cooperative... or they are even violent... when it happens... Well I don’t know. But I think there are worse ones than I... I am no outlaw anyway... Then, I committed fare evasion... Well I do not smoke, I do not drink, hum, I do not take drugs!*”

²⁹ Such a conception of social order, that is an extremely repressive one, leads to vicious circles of repression, which are especially characterized by a high rate of work accidents and rising number of controllers in a team.

³⁰ The illustrating interaction I will account for shows an example of it.

³¹ This question I would like to think a little bit more about in my conclusion, which remains however too much difficult for such a paper.

before, it can be very fruitful to operate a shift of the look from the rule breaking in itself to regulation as the stake.

The control work can then appear differently. Controllers actually often decide not to report when an interaction has passed well. Or even they decide to report, but the fine is cheaper...

The interpretation of such outcomes can be twice. In the first case, the evader has suggested a definition of the situation that convinced the controller not to report on him. We are back in the first case: the fine is at stakes. In a second case, the point is the agreement on a definition of the situation in itself. It is a piece of evidence of a certain social order, since two people have agreed in a public space about a way to define a rule breaking.

The question is then: is it sufficient for controllers? On the one hand, the answer is no, since it produces no fine. But on the other hand, my experience of control work tells me the condition of success for control should be found in the long term. Then to focus only on the fine and the specific rule breaking is too narrow, because it hides social order in the making. An outcome such as the one I described, with no fine, is maybe a way to progress towards social order. It is obviously difficult to say towards which social order it progresses; but it is difficult not to see it *is* social order (micro, punctual and framed by an interaction). The use of moral standards has enabled a common definition of the situation, and then an arrangement, which is the sign of a certain social order, even punctual, even not structural.

*An illustrative interaction*³²

I had attended the following interaction as a direct observer. In my opinion it shows very good the subtlety of the use of moral standards as tools. In this case, the controllers faced a resisting evader, which did not accept the legitimacy of the fine, since he had already received one in the subway. Legally, a subway fine is not equivalent to a bus ticket. Sometimes however, controllers do not give two fines in the same day. But the first controller had decided not to be indulgent, probably because of the behavior of the other passengers (they had forced out the bus and there had been some struggle).

For this reason, the evader has been still and has remained on his seat, but the atmosphere is tense (or at least, the controllers were nervous). The aim of the first controller is clearly to report; he does not consider another solution. He needs then to impose a definition of the situation which would mechanically imply a fine for the evader. His colleague then comes to

³² Please refer to the annexes to get a transcription of the interaction (a part of it could be recorded).

help him to do it (the technique of alternative). In the interaction, we can try to review the different tools they use to convince the evader.

At first, the first controller tries to justify the fine by referring to the legal frame (with no success). The evader reasons in a pragmatic way, which does not oppose the legal reasoning, but shows its impossible application. The controller remains however very quiet, and does not develop another argument. At the end of their interaction, the failing is clear: “*You remain on your position, I remain on mine*”. The importance of the definition of the situation is well stressed.

It is as well important for the second controller. As for it, he is very explicit. He does not hesitate to urge the evader on communication: “*Communicate! Communicate*”; and also clearly points out the necessity to adopt a common definition of the situation: “*Understand! Understand!*” or “*If we take for granted that you are right* [that fraud is not the point since he already has got a fine].”

From the beginning of his interaction with the evader, he shows that he wants to shift the debate (at this point, this is now an official opposition) from the only question of the fine to that of social order. Given the evolution of the situation and the behavior of the evader, the first aim is to convince him to cooperate.³³ The 2nd controller tries to be conciliating: “*We would like to be comprehensive with you*”.

His first intents to define the situation go in two directions. A pragmatic one, arguing: it would be more convenient for everybody if he accepted just to give an identity card; it would be cheaper for him to cooperate (“You will have additional fees”). The controller then tries to convince the evader is showing him the paper on which is written the corresponding legal rule.³⁴ The two tries both fail.

We can observe finally his referring to a moral definition of fraud. He actually claims for a parallel between shop buying (bread) and transport using. The parallel is very frequently used. It is tactically interesting because it suggests a similarity between: the type of economic good (bread and transport are both frequently consuming “products”); the type of obligations between the producer and the consumer (in both cases, there is no written and negotiated contract, but a conventional way to contract).

The point is everybody (including the evader) respects the conventional contract between the backer and the client. The evader is then expected to respect it when he uses transports, but he

³³ The controllers have probably taken into account the fact that some people had already forced out; in the context, a report is anyway difficult, but it becomes crucial not to let the whole bus go. The point is to show controllers have a real action, in order to be seriously considered, for the next times...

³⁴ It can be noticed the first controller does not use such a resource; he only speaks about the rule.

did not. And the implication of this argument introduces moral standards in the sense everybody would call such a behavior “a theft” at the backer’s, and it creates then proximity between fraud and theft. The evader is then forced to take position vis-à-vis a “universal” moral standard.

Although this tool (elaborated with a moral standard) works usually well, it does not in this interaction. The evader insists (from the very beginning to the end) actually on his point of view, which counters the controller’s tool. His argument can be sum up this way: I was forced to evade because I had to go back to mine, and I had no money. This constraint makes he had no choice, and his evasion was not volunteer. His opposite definition of the situation makes it impossible to try to repair the trouble caused by the evasion, it gives no possibility to find an agreement.

At last, controllers call the police. The evader has no paper on him. He is brought to the police station: this way ends what is considered as an unsuccessful control encounter. We can witness as well the use of moral standards (with no success), and the fail in the research of an agreement. The question about the outcome of the interaction is: does it show social order or disorder? It shows at least an attempt towards social order.

3/ Conclusion

Another perspective, towards an object for management sciences?

To try to conclude this paper, whose main utility is to emphasize a way to question the relationship between social order and moral standards, I will not go on with the debate raised by the interaction. I would rather draw the consequences of the new perspective developed in the case of control. I have tried to show how the understanding of the relation between moral standards and social order could be enriched by looking beyond the rule breaking, where much scientific work on this question focuses backwards on it (in a generally causal perspective).

My purpose is not to suggest a renewal of the deviance analysis. Such a possibility is not even clear. It is anyway limited by my ignorance. I would rather say that I look forward to the emergence of moral standards as a real object for management sciences. In my opinion, this can be justified in two directions. First, the interactional approach of moral standards I have used was more centered on action and its instruments than on explanation and its concepts. Moreover, as I have underlined it since my introduction, the issue of behaviors’ regulation

involves firms (e.g. public transporters). Despite some detours, regulation was the major problematic of the paper. Anyway, it was raised in the frame of their economic activity. The questions were then: which tools bear the regulation; and can moral standards in particular be part of a set of tools for regulation?

Management sciences, as far as I know, do not have much interest in moral standards as tools to be designed for regulation. Their insights on moral standards actually consider them mostly as given, exogenous ideals. These ideals should be targeted (because they are moral standards) or be paid more attention (because they are moral standards). Most of the works in management sciences that claim to deal about moral standards focus on the ways to design ethical organizations (Bartlett, 2003; Jones, 1995), or the necessity to progress towards an increased and sustainable attention for the moral aspects of organizational matters (Nixon, 1994; Water & Bird, 1987). The status of moral standards in management sciences often seems to be that of un-deconstructible objects (Feldman, 1998), and some authors deplore that moral theory often reasons abstractly, instead of trying to take real values and behaviors into account (Bartlett, 2003).

Theoretical orientations for a “meso” understanding of moral standards

One of the results of the analysis of the case of bus control seems however precisely to be a meso³⁵ understanding of moral standards appears to be a stimulating research direction. In my paper, micro was opposed to macro and I suggested the former to escape the difficult questions of the latter. It seems to me that such a dichotomy does not help that much. On the contrary, it seems useful to point out the play of organizations: they use moral standards and constantly pursue a certain social order (whose definitive definition is at stakes).

Such a program would require orienting a little differently the research and the theoretical base. A good image of it could be the shift from a “definition of the situation” to a “frame analysis” (Goffman, 1991)³⁶. It is about collective and solid objects, rather than ephemeral and punctual ones.³⁷ Authors like Desrosières, Douglas, and Foucault then seem to be really relevant³⁸. They actually do not oppose the interactional approach, but are necessary

³⁵ I place « meso » between the micro level (that of interactions) and « macro » level (that of a whole society). A “meso” level should involve institutions, and then economic organizations.

³⁶ His thesis is that « every definition of the situation is based on principles that structure events – at least social events - and our own involvement as subjects. The term “frame” designates these basic elements. The expression “frame analysis” then, from this point of view, appeals to the study of the organization of experience.” (P.19, in the French edition).

³⁷ And maybe this is a choice to account for the « transcendental » dimension that disturbed me.

³⁸ E.g. Desrosières, 1993 ; Douglas, 1986 ; Foucault, 1970. They respectively interest in such solid and collective objects: numbers and statistics; justice and fairness; discourses.

complements to it, as Ian Hacking shows it (Hacking, 2004). The purpose is not to leave the interactional approach, but to better account for it by introducing an institutional level.

In my opinion, such a program for the understanding of moral standards and social order by the “meso” entrance could especially benefit from two streams in management sciences. They have not, up to now and as far as I know, thought about moral standards. But they fit well with the directions proposed for the study of moral standards as objects for management sciences. First, the organizational side of moral standard could be connected with the theoretical frame of the institutional sociology.³⁹ Powel and DiMaggio’s theoretical frame is still of great utility for management sciences (Charreire and Huault, 2002). As Acquier and Aggeri suggest it (Acquier and Aggeri, 2005), attention to practices (for the case of control, for instance the way controllers refers to moral standards) is not antagonist with an institutionalist approach – on the contrary, it is necessary, according to their point of view.⁴⁰

Attention to practice well characterizes the second direction too. It deals with the tool status that I underlined for moral standards. Philippe Lorino’s research work points out the necessity to question the place of activity in organizations. With the help of the theory of activity and semiotics especially, he tries to show the “instrumental genesis of collective action” (as for social order: regulation).⁴¹ An institutional approach on the one hand and an instrumental approach on the other hand so form a basic frame for the study of moral standards and their relation to social order. I think it could be a fruitful way to begin the study of moral standards and social order in management sciences.

³⁹ Mary Douglas, calling herself a follower of Durkheim, belongs precisely to the institutional thinkers.

⁴⁰ They write such an attention is not enough followed by institutionalist researchers. In our opinion, it is fundamental.

⁴¹ Lorino and Teulier (dir.) (2005). See also Lorino (1995).

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Annexes: Transcription from the interaction recorded

The circumstances of recording were difficult because of the environment (several reporting, noise...); the translation is as exact as possible, but it was not easy to find an equivalent to the familiar register of the evader...

The interaction takes place in a bus. The control has already begun, and there has been a forcing out by some passengers. The evader of this interaction has not tried to force out, but he does not want to cooperate and be reported. He is with some friends. Two controllers will try to convince him during this interaction, one after the other (which is a technique of alternative, for the case when a relationship starts in a wrong way).

1 st controller	Good afternoon, sir... Thank you... Good afternoon, Sir... Your ticket, please!
Evader	We've already got a fine! Why do you want to report us again? We've already been reported! Sooner, just before!
1 st controller	Yes, hum... We'll see.
Evader	We've to go back home... We must go home!
1 st controller	Yes... Of course you will get to your home... [May I see] the fine?
Evader	Of course! That's the best one yet! ... We've already got a fine... in the subway...
1 st controller	[You could have bought] a ticket.
Evader	And how could we pay? We don't have any money... If we didn't buy a ticket [<i>in the subway</i>], we don't have any money!
1 st controller	Yes... But I am not responsible for this, Sir. ...
Evader	We don't have money... We have to go back home...
1 st controller	People with no money can walk their way home... In the present case, you have to buy a ticket if you want to travel.
Evader	So that means we have to step out?
1 st controller	Well no! You will show me an identity card.
Evader	No! Well no! I swear, I step out. I will have a second fine?
1 st controller	Yes sir.
Evader	that means I will receive a second fine?
1 st controller	Yes sir... That's exactly what you say.
Evader	No, I swear I won't have any second fine.
(...)	
Evader	Let's see if I will have a second fine! [<i>No equivalent for translation</i>] I won't have a second fine! ... I won't have a second fine, I tell you! That's the best one yet... I have already got one, and I'm given a second!
1 st controller	Sir, your fine was in the subway, then...
Evader	So what? How do I manage do go home?!
1 st controller	(...) I don't know, sir! I do notice that ... you have, at the present time, no ticket.
Evader	But normally, you can understand!

(...)

[A few seconds cannot be understood; the evader speaks with one of his friends, who talks to the 1st controller and tries to explain once more to him]

1st controller That's what I tried to explain... Yes, that I understood well... I'm not here to pretend not to see *[rule breakings]*...

Evader That's not a question of pretending... It is about the fact we already have a fine... We can't sequence fines!

1st controller In the subway! [And now you're] in the bus!

Evader You can't understand, can you?!

1st controller *[after a few seconds break]* Sir, the point is you do not have a ticket... I notice that... That's noticing.

Evader Well! In short...

1st controller In short...

Evader You remain on you position, I remain on mine...

(...)

[for a while, the 1st controller focuses on the other evaders; then the recording goes on with the second controller, who has come to help and try to convince the evader; they first talk about the violent resistance that happened at the beginning of the control in the bus]

] 2nd controller But sir... Sir, violence entails violence. (...) You show us an identity card, from then we consider the problem is solved... And look, that's just the way your friend does it *[the evader's friend has accepted to present his identity card]*... An official document, a report has been written... Then, he will be able... he will be able to make his way further...

(...)

[Another break: the evader's friend is reported, but he can't prove the pieces of information he has given; the first controller then speaks of the police, and then turns again to the evader to ask him an identity card; the evader refuses, says he will report himself. The 2nd controller then intervenes again]

2nd controller But you will have to pay additional fees!

Evader Well I already have additional fees... I have already... It won't change anything

2nd controller But we would like to be comprehensive to you...

Evader No, no, not at all...

2nd controller Of course.

Evader I have to go back home... I should - how? - walk home... He says: "I don't care". Is that comprehensive? ... Fuck we just have got a fine in the day... We just received it the moment before!

2nd controller Look, Sir. Look at what is written on this *[he indicates a pre-printed report]*

Evader What is written?

2nd controller Look at it.

Evader Ah, you are going to say to me... From the moment when... *[A short break in the recording]* [You could say]: you've got a fine, just walk out at the next stop. But no, no!

2nd controller Please read what is written, sir. Read it. Communicate! Talk!

Evader But didn't I talk? I said I already had a fine, what did you say to me?

2nd controller I had no time to discuss with you sooner, Sir. You have witnessed the situation like I have... I had no time to communicate. Do you agree? ... On that point ... At this step, do we agree? OK. Now, if you open the report you have in hand, and you read what is written on it, everything will be clear.

Evader Well, OK. So we have the right to accumulate fines...

2nd controller Of course not. Absolutely not!

Evader Of course we have: that's it! ... That's what we are doing right now... That's what's happening! What does happen?

2nd controller But Sir, you refuse to understand. When you go to buy your baguette... what do you do?

Evader [the answer can't be understood]

2nd controller But everything has a price... Everything... Everything... Look, you have bought a Footlocker... You have paid for it.

Evader How long ago did I pay for it? ... How long ago did I pay for it?

(...)

[Another break, until the end of the friend's reporting. The police have been called]

Evader You are told we have a fine... You don't want to understand... "I notice... I notice... I notice"... I hear that.... That's because we are nice, I swear it, that's because we are nice... He *[the passenger that has forced out at the beginning of the control in the bus]* has got out... Where is he now? He has got out... We say the word, that's it: to get out... Where is he now? He's not with us... Has he got a fine?

2nd controller If we take the same base as yours... Your fine, this one [that of the subway]... How long will you use it as a ticket?

Evader No! We tell you, we have received a fine; we have to go home... We don't need to know if we have to pay...

2nd controller Sir... If I take for granted... If I take for granted... that you're right... OK... The report you have in hands, now, how long will you use it as a ticket?

Evader ... Excuse me?

2nd controller I take... I take for granted that you are right... that is that the report you have in hands is a ticket... because that's your assumption... Right?

Evader I don't think it can be used to travel!

2nd controller So what is your use of it?

Evader I go home... You don't want to understand... I need to go back home... You don't want to understand... That's it, that's all... I was going to go back home, I was going to mine... I have got a fine before, I go back home...

2nd controller Understand, understand...

Evader No! How do I come back home?

2nd controller But you buy a bus ticket, and...

[The interaction then ends, because the police have arrived. They will take the evader (who has no identity card on him) to the police station]